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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,477	03/24/2006	Tadahiro Uchiyama	050070-0109	9363

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WASHINGTON, DC 20005-3096

EXAMINER

PINKNEY, DAWAYNE

ART UNIT	PAPER NUMBER
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2873

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/573,477	Applicant(s) UCHIYAMA, TADAHIRO	
	Examiner DAWAYNE A. PINKNEY	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/07/2008 and 09/18/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 04/07/2008 and 09/18/2008 has been considered by the examiner.

Claim Objections

2. Claim 8 is objected to because of the following informalities: claim 8, line 2, the phrase "figure print" should be replaced with --finger print--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukano et al. (US 5, 506, 595), of record.

Regarding **claim 1**, Fukano discloses, a display unit for vehicles for displaying a virtual image reflecting a display light emitted from a display instrument, characterized by comprising:

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reflection member that is held in a rotatable state and reflects the display light (Column 3, lines 7-9, and 17-26);

driving means that rotatably operates the reflection means (Column 3, lines 57-64, and Column 4, lines 31-35);

storage means that can store the positional data depending on the rotation position of the reflecting means for each user (Column 2, lines 4-8, and 31-36); and

control means that inputs the identification information from user identifying means for identifying a user (Column 2, lines 31-36) and reads the positional data corresponding to the identification information from the storage means, and operates the driving means on the basis of this read positional data (Column 2, lines 4-8, and 31-36).

Regarding **claim 4**, Fukano discloses, the display unit for vehicles according to claim 1, characterized in that inputting the identification information from the user identifying means (Column 3, lines 4-8, Column 3, lines 31-36, and Column 4, lines 21-37), the control means operates the driving means so as to rotate the reflecting member from the present position to a new position upon input of the identification information in the case that the identification information inputted in this time is different from the previously inputted identification information, and respective positional data corresponding to the respective identification information are different (Column 4, lines 44-57).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukano et al. (US 5, 506, 595) as applied to claim 1 above, in view of Shiobara et al. (US 2006/0291066), both of record.

The cited primary reference, Fukano, remains as applied to **claim 1 above**.

The cited primary reference does not teach the display unit is characterized in that the control means performs the first processing operation for operating the driving means so as to return the reflection member to the original position on the basis of the vehicle information that an ignition switch is turned off and performs the second processing operation for rotating the reflection member to a position set by the identified user after the completion of the first processing operation, and the display unit is characterized by comprising position detecting means for determining the original position.

The added secondary reference, Shiobara teaches, that in a display unit for vehicles having a reflection member, driving means, storage means, and control means that it would be desirable for the display unit is characterized in that the control means performs the first processing operation for operating the driving means so as to return

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the reflection member to the original position on the basis of the vehicle information that an ignition switch is turned off (Paragraph 0005, lines 1-11) and performs the second processing operation for rotating the reflection member to a position set by the identified user after the completion of the first processing operation (Paragraph 0009, lines 1-5, Paragraph 0038, lines 1-11, and Claim 2), and the display unit is characterized by comprising position detecting means for determining the original position (Paragraph 0005, lines 1-11) for the purpose of providing a display unit which allows the original position to be attained in a shorter period of time (Paragraph 0006, lines 1-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the control means processing operations as taught by the display unit for vehicles of Shiobara in the display unit for vehicles of Fukano since Shiobara teaches it is well known to use these features in a display unit for vehicles for providing a display unit which allows the original position to be attained in a shorter period of time (Paragraph 0006, lines 1-8).

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukano et al. (US 5, 506, 595) as applied to claim 1 above, in view of Van Lente et al. (US 5,475,366).

Fukano remains as applied to **claim 1 above**.

Fukano does not disclose the user identification means includes a keyless entry device identifying a user.

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Van Lente teaches, from the same field of endeavor that in display unit it would be desirable to make the user identification means include a keyless entry device identifying a user (Abstract) for the purpose of providing a display unit with reduced costs (Column 1, lines 34-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the user identification means include a keyless entry device identifying a user as taught by the display unit of Van Lente in the display unit of Fukano since Van Lente teaches it is known to include this feature in a display unit for providing a display unit with reduced costs (Column 1, lines 34-36).

8. Claims 6-7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukano et al. (US 5, 506, 595) as applied to claim 1 above, in view of Ueda et al. (US 7,034,657).

Fukano remains as applied to **claim 1 above**.

Fukano does not disclose the user identification means includes a smart entry device.

Ueda teaches, from the same field of endeavor that in display unit it would be desirable to make the user identification means includes a smart entry device (Column 1, lines 7-14), and the user identification means includes an immobilizer device (200 of Fig. 3) for the purpose of providing a display unit which prevents electric power from being wasted (Column 2, lines 10-11).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the user identification means includes a smart entry device, and the user identification means includes an immobilizer device as taught by the display unit of Ueda in the display unit of Fukano since Ueda teaches it is known to include this feature in a display unit for preventing electric power from being wasted (Column 2, lines 10-11).

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukano et al. (US 5, 506, 595) as applied to claim 1 above, in view of Saito et al. (US 6,980,672).

Fukano remains as applied to **claim 1 above**.

Fukano does not disclose the user identification means includes a finger print matching device.

Saito teaches, from the same field of endeavor that in a display unit it would be desirable to make the user identification means includes a finger print matching device (Abstract) for the purpose of providing a reliable lock system (Column 1, lines 60-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the user identification means includes a finger print matching device as taught by Saito in the display unit of Fukano since Saito teaches it is known to include this feature in a display unit for providing a reliable lock system (Column 1, lines 60-63).

Response to Arguments

10. Applicant's arguments filed 07/17/2008 have been fully considered but they are not persuasive.

In response to applicant's arguments that Fukano does appear to describe or suggest a display unit that includes, among other features, control means that inputs the identification information from user identifying means for identifying a user and reads the positional data corresponding to the identification information from the storage means, and operates the driving means on the basis of this read positional data, as recited in claim 1. The Examiner points out that Fukano discloses a control means that inputs the identification information from user identifying means for identifying a user (Column 2, lines 31-36) and reads the positional data corresponding to the identification information from the storage means, and operates the driving means on the basis of this read positional data (Column 2, lines 4-8, and 31-36). Furthermore, the Examiner points out that because Fukano discloses "a memory means will be provided in the display system of the present invention, which memory means stores data specifying the selected display section...the display section selecting means is so associated with the memory means as to automatically select the display section in response to input identifying one of the pre-selected display sections", the Examiner interprets that inherently the control means as disclosed by Fukano must have a user identifying means that input the identification information from the user to automatically and successfully the memory that is associated with each user of the device that will select

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the display section in response to input identifying one of the pre-selected display sections (Claims 11 and 22).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DAWAYNE A. PINKNEY** whose telephone number is (571)270-1305. The examiner can normally be reached on Monday-Thurs. 8 a.m.- 4:30 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott J. Sugarman/
Primary Examiner, Art Unit 2873

/DaWayne A Pinkney/
Examiner, Art Unit 2873
12/27/2008